(UNPUBLISHED)

In the Supreme Court of Virginia held at the Supreme Court Building in the City of Richmond on Friday the 22nd day of November, 1985.

Reverend Theodore R. Little, Jr.,

Appellant,

against Record No. 850313
Circuit Court No. 22207

First Baptist Church, Crestwood,

Appellee.

From the Circuit Court of the City of Chesapeake

Upon review of the record in this case and consideration of the argument submitted in support of the granting of an appeal, the Court is of opinion there is no reversible error in the judgment complained of. Accordingly, the Court refuses the petition of appeal.

A Copy,

Teste:

David B. Beach, Clerk

By: s/ Debra A. Roman
Deputy Clerk

First Baptist Church, Crestwood

4701 Bainsbridge Boulevard

Chesapeake, Virginia 23320

January 7, 1983

Rev. Theodore R. Little, Jr.
2413 Dunbarten Drive
Chesapeake, Virginia 23325

Dear Rev. Little,

After much Prayer and being guided by the Holy Spirit, the First Baptist Church, Crestwood, in a call conference on December 21, 1982, overwhelmingly voted to elect you Pastor of our church.

Please make our hearts glad and accept our challenge. We will strive to work with you in every way, because we believe that you will be good for us.

The terms we extend to your are as follows:

Fifteen Thousand ($15,000.00) dollars per year.

Twelve Hundred ($1,200.00) dollars traveling expenses per year.

[One Hundred ($100.00) dollars Spring Revival.] deleted

[One Hundred ($100.00) dollars Fall Revival] deleted

One Hundred Fifty ($150.00) dollars Ministers Conference, Hampton.

[All Installation Service money, after expenses.] deleted

Two (2) weeks vacation, with pay, for the first and second years, and four (4) weeks there after.

Sick leave pay up to ninty (90) days.

Pulpit absence for personal business, is the duty of the Pastor to secure and pay a guest minister.

This call is for one year and if the Church and Pastor agree, then this call is indifinite.

Ninty (90) days notice for church and Pastor if any disagreement arises.

If the above terms are satisfactory and you decide to accept our call, please sign one sheet and return it to us along with your acceptance.

By order of the Church,

s/ Chairman of Deacon Board
Chairman of Deacon Board

s/ Chairman of Trustee Board
Chairman of Trustee Board

s/ Church Clerk
Church Clerk

1/12/83

This will acknowledge acceptance of all of the above except as indicated by the word "deleted."

s/ Theodore R. Little, Jr.
Theodore R. Little, Jr. Jan. 12, 1983
Signature

(UNPUBLISHED)

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF CHESAPEAKE

FIRST BAPTIST CHURCH, CRESTWOOD

Complainant,

v. IN CHANCERY NO. 22207

REVEREND THEODORE R. LITTLE, JR.,

Respondent.

RULE 5:9 WRITTEN STATEMENT

Pursuant to Rule 5:9 (c) of the Rules of the Supreme Court of Virginia, the following written statement of the incidents of this case, in lieu of a transcript, shall become a part of the record on appeal:

1. This matter originally came on for hearing on the Motion Docket of the Circuit Court of the City of Chesapeake on December 18, 1984, at 9:15 A.M., pursuant to complainant's petition for injunction and notice of same, and pursuant to respondent's response to

petition for injunction and respondent's plea in bar. Presiding was Judge William H. Hodges. Present were Robert R. Carter, Esquire, attorney for complainant, Reverend Theodore R. Little, Jr., respondent, Michael S. Weisberg, Esquire, attorney for respondent, and approximately 200 interested persons. No court reporter was present.

2. The Court informed the parties that this matter had been placed upon its Motion Docket and there was, therefore, insufficient time to hear evidence in the case. Accordingly, no witnesses were sworn and the offering of no evidence was permitted by the Court. The Court entered an injuctive order enjoining the respondent from going upon the property of the First Baptist Church, Crestwood, or

interfering in Church affairs, for a period of sixty days. The Court also entered a decree of reference appointing James A. Overton Commissioner and directing him to conduct a vote of the membership of the First Baptist Church, Crestwood on January 6, 1985, for the purpose of determining if the services of the Reverend Theodore R. Little, Jr. should be terminated as Pastor of the Church.

3. Commissioner Overton conducted an election at the Church on January 6, 1985, as ordered by the Court, and rendered his report thereof to the Court on January 6, 1985. On January 17, 1985, respondent, by counsel, filed Exceptions to the Report of the Commissioner in which the respondent prayed that the recommendations of the Commissioner in Chancery be overruled,

that the Decree of Reference be vacated, and that the case be reinstated upon the docket of the Court for a plenary evidentiary hearing relative to the respondent's plea in bar and other responsive pleadings which are a part of the record in this case.

4. On complainant's notice and motion for entry of a permanent injunction order overruling respondent's exceptions to the Commissioner's report and respondent's prayer for a plenary hearing, a hearing was held as scheduled on the Court's Motion Docket on January 30, 1985, at 12:15 P.M., in the Circuit Court of the City of Chesapeake, before Judge William L. Forbes. Present were Robert A. Carter, Esquire, attorney for complainant, Reverend Theodore R.

Little, Jr., respondent, and Michael S. Weisberg, Esquire, attorney for respondent. No court reporter was present.

5. The Court overruled respondent's exceptions to the Commissioner's report and denied respondent's prayer for a plenary hearing. No witnesses were sworn and the offering of no evidence of any kind was permitted by the Court. The Court entered a permanent decree of injunction enjoining the Reverend Theordore R. Little, Jr., from going onto the property of the First Baptist Church, Crestwood and interfering in the affairs of the Church.

Entered: 3/15/85

s/ William L. Forbes
Judge

I ask for this:

s/ Michael S. Weisberg p.d
Michael S. Weisberg

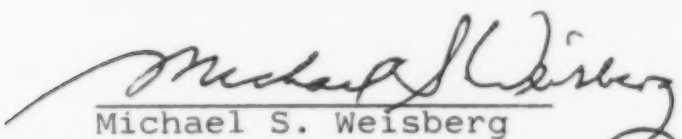
Seen and (approved) (excepted) to:

(Not Present s/WLF) p.q.
Robert R. Carter

CERTIFICATE

In accordance with Rule 21 of the Rules of the Supreme Court of the United States, I hereby certify that I have this 18th day of February, 1986 mailed the required copies of the Petition for Certiorari to the Clerk's Office of the Supreme Court of the United States for the purpose of filing on February 18th, 1986, and have also mailed the required copies of the above mentioned documents to all attorneys of record as follows:

Steven K. Whitaker
WHITAKER AND SARGENT
1200B Sparrow Road
Chesapeake, VA 23325-3095



Michael S. Weisberg
Weisberg and Stein, P.C.
Post Office Box 3647
Norfolk, VA 23514

Taken, subscribed and sworn to before me this 13th day of February, 1986.

My commission expires

1-31-89.

Karen E. Fenda

NOTARY PUBLIC